

HOUSE No.
3853

The Commonwealth of Massachusetts

House of Representatives, March 25, 2009.

The House committee on Ethics reports, under the provisions of Rule 16, a “Committee Bill improving the laws relating to ethics and lobbying” (House, No. 3853).

For the committee,

PETER V. KOCOT/

Membership of the committee on Ethics.

Representatives (required signatures – 8):

PETER V. KOCOT/S/

Peter V. Kocot

LIDA E. HARKINS/S/

Lida E. Harkins

A. STEPHEN TOBIN/S/

A. Stephen Tobin

JAMES E. VALLEE/S/

James E. Vallee

KATHI-ANNE REINSTEIN/S/

Kathi-Anne Reinstein

PATRICIA A. HADDAD/S/

Patricia A. Haddad

JEFFREY SÁNCHEZ/S/

Jeffrey Sánchez

JEFFREY DAVIS PERRY/S/

Jeffrey Davis Perry

F. JAY BARROWS/S/

F. Jay Barrows

BRADFORD HILL/S/

Bradford Hill

ELIZABETH POIRIER/S/

Elizabeth Poirier



The Commonwealth of Massachusetts

In the Year Two Thousand and Nine.

AN ACT IMPROVING THE LAWS RELATING TO ETHICS AND LOBBYING.

*Be it enacted by the Senate and House of Representatives in General Court assembled,
and by the authority of the same, as follows:*

SECTION 1. Section 39 of said chapter 3 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the definition of “Client” and inserting in place thereof the following definition:-

“Client”, any person, corporation, partnership, association, or other entity that contracts with another person, corporation, partnership, association, or other entity to receive lobbying services.

SECTION 2. Said section 39 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out the definition of “Executive agent” and inserting in place thereof the following definitions:-

“Executive agent”, a person who for compensation or reward engages in executive lobbying, which includes at least one communication with a government employee. The term “executive agent” shall include a person who, as part of his regular and usual business or professional activities and not simply incidental thereto, engages in executive lobbying, whether or not any compensation in addition to the salary for such activities is received for such services. For the purposes of this definition a person shall be presumed to be engaged in executive lobbying that is simply incidental to his regular and usual business or professional activities if he: (i) engages in executive lobbying for not more than 10 hours during any reporting period; or (ii) receives less than \$2,500 during any reporting period for executive lobbying.

“Executive lobbying,” any act to influence or to attempt to influence the decision of any officer or employee of the executive branch or an authority, including but not limited to, statewide constitutional officers and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation promulgated pursuant to any general or special law, or any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement; provided further, that executive lobbying shall include acts to influence or attempt to influence the decision of any officer or employee of a city or town when those acts are intended to carry out a common purpose with executive lobbying at the state level; and provided further, that executive lobbying shall include strategizing, planning, research, and other background work if performed in connection with, or for use in, an actual communication with a government employee.

SECTION 3. Said section 39 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out the definition of “Legislative agent” and inserting in place thereof the following definitions:-

“Legislative agent”, a person who for compensation or reward engages in legislative lobbying, which includes at least one communication with a government employee. The term “legislative agent” shall include a person who, as part of his regular and usual business or professional activities and not simply

incidental thereto, engages in legislative lobbying, whether or not any compensation in addition to the salary for such activities is received for such services. For purposes of this definition a person shall be presumed to be engaged legislative lobbying that is simply incidental to his regular and usual business or professional activities if he: (i) engages in legislative lobbying for not more than 10 hours during any reporting period; or (ii) receives less than \$2,500 during any reporting period for legislative lobbying.

“Legislative lobbying,” any act to monitor, promote, oppose or influence legislation, or to monitor, promote, oppose or influence the governor’s approval or veto thereof including, without limitation, any action to influence the introduction, sponsorship, consideration, action or nonaction with respect to any legislation; provided further, that legislative lobbying shall include acts to influence or attempt to influence the decision of any officer or employee of a city or town when those acts are intended to carry out a common purpose with legislative lobbying at the state level; and provided further, that legislative lobbying shall include strategizing, planning, research, and other background work if performed in connection with or for use in an actual communication with a government employee.

SECTION 4. Section 41 of said chapter 3 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraph:-

The state secretary shall offer educational seminars on the requirements of sections 39 to 50, inclusive, for all legislative agents and executive agents. The seminars shall be conducted in-person or offered online through the state secretary’s website. All legislative and executive agents shall: (i) before registering with the state secretary and annually thereafter, complete an in-person or online seminar offered by the state secretary; and (ii) complete an in-person or online seminar offered by the state secretary upon any material change to sections 39 to 50, inclusive, or any regulations promulgated pursuant thereto. The superintendent of the bureau of state office buildings shall, upon request of the state secretary, provide at no cost to the state secretary suitable facilities for such seminars. The state secretary shall adopt regulations for the administration and enforcement of this section.

SECTION 5. Said section 41 of said chapter 3 of the General Laws, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following 3 paragraphs:-

Upon registration, the state secretary shall issue to each legislative agent and executive agent a license which shall entitle the holder to act as a legislative agent and executive agent for a client that has filed a registration statement pursuant to this section. A nontransferable identification card shall evidence this license and shall include the agent's name and photograph. Each license shall expire on December 31 of each year. Out-of-state legislative agents and executive agents shall submit 3 passport-sized photographs to the state secretary upon registration.

The state secretary shall promulgate regulations pursuant to chapter 30A for administration and enforcement of sections 39 to 50, inclusive.

The state secretary shall, upon written request from a person who is or may be subject to sections 39 to 50, inclusive, render advisory opinions on the requirements of those sections. An opinion rendered by the state secretary, unless amended or revoked, shall be a defense in a criminal action brought pursuant to sections 39 to 50, inclusive, and shall be binding on the state secretary, the attorney general or the district attorney in any subsequent proceedings concerning the person who requested the opinion and who acted in good faith, unless material facts were omitted or misstated by the person in the request for an opinion. Such requests shall be confidential; provided, however, that the state secretary may publish such opinions if the name of the requesting person and any other identifying information is not included in such publication unless the requesting person consents to such inclusion.

SECTION 6. Section 43 of said chapter 3 of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the words "appearing on the docket"

SECTION 7. Said section 43 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

Every legislative agent and executive agent shall include in the statement required by this section for the relevant reporting period: (1) the identification of each client for whom the legislative or executive agent provided lobbying services; (2) a list of all bill numbers and names of legislation and other governmental action that the executive or legislative agent acted to monitor, promote, oppose or influence; (3) a list of all line-item numbers in any appropriation bill that the executive or legislative agent acted to monitor, promote, oppose or influence; (4) a statement of the executive or legislative agent's position, if any, on each such bill, line item or other governmental action; (5) the identification of the client or clients on whose behalf the executive or legislative agent was acting with respect to each such bill, line item or governmental action; (6) the amount of compensation received for executive or legislative lobbying from each client with respect to such lobbying services; and (7) all direct business associations with public officials. The disclosure shall be required regardless of whether the legislative agent or executive agent specifically referenced the bill number or name, line item number or other governmental action while acting to promote, oppose or influence legislation, and shall be as complete as practicable.

SECTION 8. The fourth paragraph of said section 43 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Said penalty shall be in the amount of \$50 per day up to the twentieth day and an additional \$100 per day for every day after the twentieth day until the statement is filed. The state secretary may waive the above penalties for good cause.

SECTION 9. Said chapter 3 of the General Laws is hereby further amended by striking out section 45 and inserting in place thereof the following section:-

Section 45. (a) Upon receipt of a sworn complaint signed under pains and penalties of perjury, or upon receipt of evidence which is deemed sufficient by the state secretary, the state secretary shall initiate a preliminary inquiry into any alleged violation of sections 39 to 50, inclusive. At the commencement of a preliminary inquiry into any such alleged violation, the state secretary shall notify the attorney general.

All proceedings and records relating to a preliminary inquiry or initial staff review used to determine whether to initiate an inquiry shall be confidential, except that the state secretary may provide to: (1) the attorney general, the United States Attorney or a district attorney of competent jurisdiction evidence which may be used in a criminal proceeding; (2) the inspector general information concerning fraud, waste, or abuse in the expenditure of public funds; (3) the state ethics commission concerning violations of chapters 268A and 268B; and (4) the director of the office of campaign and political finance information concerning violations of chapter 55. Any information provided by the state secretary pursuant to this section shall be confidential pursuant to this section and section 4 of chapter 268B, except that such information may be used by the officer or agency to whom it was provided in any investigation or subsequent proceedings. The state secretary shall notify any person who is the subject of the preliminary inquiry of the existence of such inquiry and the general nature of the alleged violation within 30 days of the commencement of the inquiry.

(b) If a preliminary inquiry fails to indicate reasonable cause for belief that there has been a violation of sections 39 to 50, inclusive, the state secretary shall immediately terminate the inquiry and shall within 10 days so notify, in writing, the complainant, if any, and the person who had been the subject of the inquiry.

(c) If a preliminary inquiry indicates reasonable cause for belief that there has been a violation of sections 39 to 50, inclusive, the state secretary may initiate an adjudicatory proceeding to determine whether there has been such a violation.

(d) The state secretary may require by summons the attendance and testimony of witnesses and the production of books, papers and other records relating to any matter being investigated pursuant to sections 39 to 50, inclusive. Such summons may be issued by the state secretary and shall be served in the same manner as summonses for witnesses in criminal cases, issued on behalf of the commonwealth and all the provisions of law relative to summonses issued in such cases shall apply to summonses issued under this section so far as applicable. Any justice of the supreme judicial court or the superior court may upon application by the state secretary compel the attendance of witnesses summoned as aforesaid and the giving of testimony under oath before said director in furtherance of any investigation in the same manner and to the same extent as before said courts.

(e) The state secretary, or his designee, may administer oaths and may hear testimony or receive other evidence in any proceeding.

(f) All testimony in an adjudicatory proceeding shall be under oath. All parties shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify, to submit evidence, and to be represented by counsel. Before testifying, all witnesses shall be given a copy of the regulations governing adjudicatory proceedings.

(g) Any person whose name is mentioned during an adjudicatory proceeding of the state secretary and who may be adversely affected thereby may appear personally before the state secretary on his own behalf, with or without counsel, to give a statement in opposition to such adverse mention or file a written statement of such opposition for incorporation into the record of the proceeding.

(h) All adjudicatory proceedings of the state secretary pursuant to this section shall be public and shall be subject to chapter 30A.

(i) Within 30 days after completion of deliberations, the state secretary shall publish a written report of his findings and conclusions.

(j) Upon a finding pursuant to an adjudicatory proceeding that there has been a violation, the state secretary may issue an order: (1) requiring the violator to cease and desist such violation; (2) requiring the violator to file any report, statement or other information as required by sections 39 to 50, inclusive; (3) suspending for a specified period or revoking the license and registration of the violator; or (4) requiring the violator to pay a civil penalty of not more than \$10,000 for each violation.

The state secretary may file a civil action in superior court to enforce this order.

(k) Final action by the state secretary under this section shall be subject to review in superior court upon petition of any party in interest filed within 30 days after the action for which review is sought. The court shall enter a judgment enforcing, modifying, or setting aside the order of the state secretary, or it may remand the proceedings to the state secretary for such further action as the court may direct. If the court modifies or sets aside the state secretary's order or remands the proceedings to the state secretary, the court shall determine whether such modification, set aside, or remand is substantial. If the court does find such modification, set aside, or remand to be substantial, the petitioner shall be entitled to be reimbursed from the treasury of the commonwealth for reasonable attorneys' fees and all court costs incurred by him in the defense of the charges contained in the proceedings. The amount of such reimbursement shall be awarded by the court but shall not exceed \$20,000 per person, per case.

(l) Any person who violates the confidentiality of an inquiry under this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both.

SECTION 10. Section 47 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out, in lines 4 and 5, inclusive, the words “whose name appears upon the docket”

SECTION 11. The second paragraph of said section 47 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- This penalty shall be in the amount of \$50 per day up to the twentieth day and an additional \$100 per day for every day after the twentieth day until the statement is filed. The state secretary may waive these penalties for good cause.

SECTION 12. Section 48 of chapter 3 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words “five thousand dollars” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 13. Section 49 of said chapter 3 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following 2 sentences:- The supreme judicial court or superior court may, upon application of the attorney general, grant equitable or mandamus relief to enforce sections 41 through 43, inclusive, prohibiting the offering or giving of or paying for gifts, meals, beverages, or other items. Relief under this section may include (a) an order to pay to the commonwealth an amount equal to the value of any compensation or thing paid or received in violation of section 42, or the value of any gift, meal, beverage, or other item given or received in violation of section 43; and (b) a civil penalty of up to \$10,000 for each violation of sections 41 through 47, inclusive.

SECTION 14. Section 9 of chapter 53 of the General Laws, as so appearing, is hereby amended by striking out, in lines 21 through 22, inclusive, and 25, the words “fifty-five A” and inserting in place thereof, in each instance, the following figure:- 55C

SECTION 15. Said section 1 of said chapter 55 is hereby further amended by striking out, in line 55, the words “and (6)” and inserting in place thereof the following words:- (6) any donations received or payments made by a legal defense, inaugural or recount fund established pursuant to section 18E; and (7)

SECTION 16. The eighth paragraph of section 3 of said chapter 55 of the General Laws, as so appearing, is hereby amended by adding the following two sentences:- The name of a candidate who fails to file any statement or report after receiving notice under this section of such failure and who continues to fail to file such statement or report after the institution of civil proceedings under this section to compel such filing shall not appear on a state ballot after the initiation of such civil proceedings, until such time as the statement or report is filed, and the director shall inform the state secretary of such failure prior to the deadline for filing nomination papers with the state secretary for such candidate pursuant to chapter 53. Any candidate who files such statement or report with the director after the deadline for filing nomination papers with the secretary shall not be allowed on the state ballot.

SECTION 17. Said section 3 of chapter 55 of the General Laws, as so appearing, is hereby further amended by inserting, after the word “requested,” in line 111, the following words:- by personal delivery, by leaving a copy of the notice at the person’s last and usual place of residence or by delivering a copy of the notice to an attorney who has appeared on behalf of the alleged violator,

SECTION 18. The eleventh paragraph of said section 3 of chapter 55, as so appearing, is hereby further amended by striking the last sentence and inserting in place thereof the following three sentences:- For a candidate who is holding elective office whose term of office is 3 or more years, for the treasurer of the political committee organized on behalf of such candidate, or for any person or entity supporting or opposing such candidate, evidence of any violation of this chapter, if submitted to the attorney general prior to the next election for the office held by the candidate that occurs after the violation, shall be submitted no later than 2 years prior to such election, and if submitted after the election, such evidence may not be submitted more than 3

years after said election. For all other persons or entities under investigation for violations relating to an identifiable election, evidence of any violation of this chapter shall be presented by the director to the attorney general only after the next relevant election, but within 3 years after said election. If the evidence does not relate to an identifiable election, referral shall take place within 3 years of the violation.

SECTION 19. The twelfth paragraph of said section 3 of said chapter 55 of the General Laws, as so appearing, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence:- Said civil penalty shall be in the amount of \$25 per day; provided, however, that the maximum penalty the director may assess shall be no greater than \$5,000 for any one report, statement or affidavit which is filed later than the prescribed date.

SECTION 20. Section 8 of said chapter 55 of the General Laws, as so appearing, is hereby amended by inserting after the word “business”, in line 7, the following words:- or professional

SECTION 21. Section 18 of said chapter 55 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph, and inserting in place thereof the following paragraph:-

Each candidate and each treasurer of a political committee shall, except as provided in this section and section 24, file with the director. Candidate’s and committees organized on behalf of candidates seeking public office at a municipal election shall file with the director if the candidate is seeking the office of mayor in a municipality with a total population, as determined by the most recent decennial federal census, of between 40,000 and 100,000 persons, or if the committee is required to file with the director pursuant to section 19. All other candidates seeking public office at a city or town election shall file reports with the city or town clerk. A

committee organized under section 5 to favor or oppose a question submitted to the voters shall file its reports with the director if the question appears on ballots at a state election, or with the city or town clerk if the question appears on ballots at a city or town election or for use in a city or town or at a state election. Reports of contributions received and expenditures made shall be filed using forms prescribed by the director.

SECTION 22. The second paragraph of said section 18 of said chapter 55 of the General Laws, as so appearing, is hereby amended by striking clause (a) and inserting in place thereof the following clause:-

(a) by each candidate for nomination or election to the state senate or house of representatives, and by the non-elected political committee organized on behalf of such candidate, on or before: (i) the twentieth day of July complete as to the thirtieth day of June; (ii) the eighth day preceding a primary, the eighth day preceding a biennial state election, and, as a final report, the twentieth day of January in the following year complete as to the thirty-first day of December of the prior year; and (iii) the eighth day preceding a special primary, including a convention or a caucus, the eighth day preceding a special election, the thirtieth day following a special election, and, as a final report, the twentieth day of January in the following year complete as to the thirty-first day of December of the prior year.

SECTION 23. Said section 18 of said chapter 55 of the General Laws, as so appearing, is hereby amended by striking out, in line 102 the word “January.” and inserting in place thereof the following words:- January; provided however, that candidates for the state senate or house of representatives, the nonelected political committees organized on behalf of such candidates, and political action committees, shall also file mid-year reports on or before the twentieth day of July in each year.

SECTION 24. The third paragraph of said section 18 of said chapter 55 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- For all candidates and all political committees, if said report is not an initial report, the reporting period of such reports required to be filed on or before the

twentieth day of July in each year shall commence on the first day of January of that year, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the thirtieth day of June of said year. The reporting period for the report required to be filed on or before the twentieth day of January in each year shall commence on the first day of July of the prior year, or on the day following the end of the reporting period of the last report filed, if any, whichever period is shorter, and shall end as of the thirty-first day of December of said prior year.

SECTION 25. Said chapter 55 is hereby further amended by inserting after section 18C the following new sections:-

Section 18D. (a) For the purpose of this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Expenditure”, any payment made or liability incurred by a vendor on behalf of a political committee.

“Person”, a natural person, corporation, association, partnership or other legal entity.

“Subvendor”, a person providing goods or services to a vendor or who contracts with a vendor to provide goods or services to a committee.

“Vendor”, any person including, but not limited to, a consultant, who provides goods or services to a political committee that files with the director and either receives or is promised \$5,000 or more in the aggregate during a calendar year by the committee for such goods or services, or contracts with another on behalf of the committee for such goods or services valued at \$5,000 or more in the aggregate to be provided to the committee.

(b) A vendor that makes an expenditure on behalf of a political committee shall provide the political committee with a detailed account of the expenditure including, but not limited to, the date of the

expenditure, the person who received payment, the full name and address of the subvendor, the purpose of the expenditure, and the amount of the expenditure, within 5 days of making such expenditure.

(c) A political committee that makes a payment to a vendor or incurs a liability to a vendor shall file reports with the director disclosing the full name and address, listed alphabetically, of each subvendor receiving payments of more than \$500 in the aggregate during a calendar year from the vendor, and of each subvendor to whom a liability of more than \$500 was incurred. The contents of such report shall include the information required by section 18 and be disclosed on a form prescribed by the director.

For committees required to designate a depository account under section 19, the reports must be filed on or before the fifth day of each month covering the preceding month; for other committees, the report must be filed in accordance with the schedule established by section 18.

(d) Vendors shall keep detailed accounts of all expenditures made on behalf of political committees.

Section 18E. Legal defense funds may be created by a candidate or the candidate's political committee to defend against a criminal prosecution, or to pay costs associated with a civil matter that is not primarily personal in nature. Inauguration funds may be created by a candidate or the candidate's political committee to pay for the costs associated with an inaugural event. Recount funds may be created by a candidate or candidate's political committee to pay for the legal or other costs associated with a recount. Legal defense, inauguration, or recount funds must be created separately from the candidate's campaign account or committee, and are subject to the following conditions: (1) assets of a political committee may not be used by the fund; (2) any donations received by the fund may not be deposited into the candidate's campaign account or a committee account; and (3) donations to such fund may not be used to benefit a political committee.

Donations to a legal defense, recount, or inauguration fund, if not “contributions” as that term is defined in section 1, shall be disclosed to the director or, if made by a candidate or committee that does not file with the director, the city or town clerk, on or before the fifth day of the month following the month in which the donations are received, complete as of the last day of the preceding month, on forms to be prescribed by the director. The report shall disclose the name and address of all persons donating more than fifty dollars during the reporting period, listed alphabetically, the amount of each such donation, and the total amount of donations received in the reporting period not otherwise reported.

For purposes of this section, the term “donations” shall include donations in money or in-kind, and loans provided to the fund.

SECTION 26. Section 22 of said chapter 55 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word “The” and inserting in place thereof the following words:- “Any person or the”

SECTION 27. Said section 22 of said chapter 55 of the General Laws, as so appearing, is hereby further amended by inserting after the word “such”, in lines 17, 31 and 41, respectively, the following words:- person or

SECTION 28. Said section 22 of said chapter 55 of the General Laws, as so appearing, is hereby further amended by inserting after the word “Any”, in line 38, the following words:- person or

SECTION 29. Section 24 of said chapter 55 of the General Laws, as so appearing, is hereby amended by inserting after the word “office”, in line 3, the following words:- , other than a municipal office for which a candidate is required to file with the director in accordance with section 18C or section 19,

SECTION 30. Said section 24 of said chapter 55 of the General Laws, as so appearing, is hereby further amended by inserting after the word “statement”, in lines 1, 4, 5, 8, 9, and 12, respectively, the following words:- or report

SECTION 31. Said section 24 of said chapter 55 of the General Laws, as so appearing, is hereby further amended by inserting after the word “statements”, in lines 13 and 14, respectively, the following words:- and reports

SECTION 32. Said chapter 55 is hereby further amended by striking out section 29, as so appearing, and inserting in place thereof the following section:-

Section 29. Upon failure to file a statement, report or affidavit within 10 days after receiving notice under section 28, the city or town clerk, as the case may be, shall notify the director thereof and shall furnish him with copies of all papers related thereto and the director, if satisfied there is cause, shall assess a penalty and may refer the person or committee to the attorney general pursuant to section 3. If any statement filed with the city or town clerk, as the case may be, discloses any violation of this chapter, such city or town clerk shall notify the director thereof and shall furnish him with copies of all papers relating thereto. The director shall examine every such case referred to him by such clerk and may refer such cases to the attorney general in accordance with section 3. If satisfied that there is cause, the attorney general shall, in the name of the commonwealth, institute appropriate criminal or civil proceedings or refer the case to the proper district attorney for such actions as may be appropriate. Any city or town clerk shall at any time upon the request of the attorney general or the director forward any evidence or information received by such clerk to the attorney general or director for whatever action the attorney general or director deems appropriate pursuant to law.

SECTION 33. Section 4 of chapter 55C of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:-Determination and certification of the eligibility of candidates shall be made by the director on the eighth Tuesday before

the primary and shall be based solely upon information contained in such statements as have been filed by candidates. Candidates for governor seeking public financing must file the statement on or before the Friday that is 11 days preceding said eighth Tuesday and other candidates seeking public financing must file said statements on or before the Friday next preceding said eighth Tuesday.

SECTION 34. The second paragraph of section 6 of said chapter 55C of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following two sentences:- Determination and certification of the eligibility of candidates shall be made by the director on the fourth Tuesday before the state election and shall be based solely upon information contained in such statements as have been filed by candidates. Candidates for governor and lieutenant governor seeking public financing must file the statement on or before the Friday that is 11 days preceding said fourth Tuesday and other candidates seeking public financing must file said statements on or before the Friday next preceding said fourth Tuesday.

SECTION 35. Chapter 268 of the General Laws is hereby amended by inserting after section 13D the following section:-

Section 13E. (a) As used in this section the following word shall, unless the context clearly requires otherwise, have the following meaning:

“Official proceeding”, a proceeding before a court or grand jury, or a proceeding before a state agency or commission, which proceeding is authorized by law and relates to an alleged violation of a criminal statute or the laws and regulations enforced by the state ethics commission, the state secretary, the office of the inspector general, or the office of campaign and political finance, for which the attorney general may issue a civil investigative demand.

(b) Whoever alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the record, document or object’s integrity or availability for use in an official proceeding, whether or not the proceeding is pending at that time, shall be punished, by

(i) a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both, or (ii) if the official proceeding involves a violation of a criminal statute, by a fine of not more than \$25,000, or by imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

(c) The record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(d) A prosecution under this section may be brought in the county where the official proceeding was or would have been convened or where the alleged conduct constituting an offense occurred.

SECTION 36. Section 2 of chapter 268A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 46 to 49, inclusive, the words “five thousand dollars or by imprisonment in the state prison for not more than three years or in a jail or house of correction for not more than two and one half years, or by both such fine and imprisonment in a jail or house of correction” and inserting in place thereof the following words:- \$100,000, or by imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 37. Section 3 of said chapter 268A of the General Laws, as so appearing, is hereby further amended by striking out, in lines 30 and 31, inclusive, the words “three thousand dollars or by imprisonment for not more than three years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 38. Said section 3 of said chapter 268A of the General Laws, as so appearing, is hereby further amended by adding at the end thereof the following paragraph:-

The commission shall adopt regulations: (i) defining “substantial value,” provided however that “substantial value” shall not be less than \$50; (ii) establishing exclusions for ceremonial gifts; (iii) establishing exclusions for gifts given solely because of family or friendship; and (iv) establishing additional exclusions for other situations that do not present a genuine risk of a conflict or the appearance of a conflict of interest.

SECTION 39. Section 4 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 17 and 18, inclusive, the words “three thousand dollars or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 40. Section 5 of said chapter 268A of the General Laws, as so appearing, is hereby amended by inserting after the word “legislative”, in line 26, the following words:- or executive

SECTION 41. Said section 5 of said chapter 268A of the General Laws, as so appearing, is hereby further amended by inserting after the word “body”, in line 28, the following words:- , as determined by the commission

SECTION 42. Said section 5 of said chapter 268A of the General Laws, as so appearing, is hereby further amended by striking out, in lines 41 and 42, inclusive, the words “three thousand dollars or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 43. Section 6 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 and 8, inclusive, the words “three thousand dollar or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by

imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 44. Section 7 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 6, inclusive, the words “three thousand dollar or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 45. Section 8 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 17 and 18, inclusive, the words “five thousand dollars or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 46. Said chapter 268A is hereby further amended by striking out section 9 and inserting in place thereof the following section:-

Section 9. (a) In addition to any other remedies provided by law, any violation of sections 2 to 8, inclusive, which has substantially influenced the action taken by any state agency in any particular matter, shall be grounds for avoiding, rescinding or canceling the action on such terms as the interests of the commonwealth and innocent third persons require.

(b) In addition to the remedies set forth in subsection (a), the state ethics commission upon a finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage in violation of sections 2 to 8, inclusive, or section 23, may issue an order: (1) requiring the violator to pay the commission on behalf of the commonwealth damages in the amount of the economic advantage or \$500, whichever is greater; and (2) requiring the violator to make restitution to an injured third party. If there has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of

the written approval of the attorney general, the commission may order payment of additional damages in an amount not exceeding twice the amount of the economic advantage or \$500, and payment of such additional damages shall bar any criminal prosecution for the same violation.

The maximum damages that the commission may order a violator to pay under this section shall be \$25,000. If the commission determines that the damages authorized by this section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

(c) The remedies authorized by this section shall be in addition to any civil penalty imposed by the state ethics commission in accordance with clause (3) of subsection (j) of section 4 of chapter 268B.

SECTION 47. Section 11 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 16 and 17, inclusive, the words “three thousand dollars or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 48. Section 12 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 24 and 25, inclusive, the words “three thousand dollars or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 49. Section 13 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 and 8, inclusive, the words “three thousand dollars or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 50. Section 14 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 6, inclusive, the words “three thousand dollars or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 51. Said chapter 268A of the General Laws is hereby further amended by striking out section 15 and inserting in place thereof the following section:-

Section 15. (a) In addition to any other remedies provided by law, a violation of sections 2, 3, 8, or 11 to 14, inclusive, which has substantially influenced the action taken by any county agency in any particular matter, shall be grounds for avoiding, rescinding, or canceling the action on such terms as the interests of the county and innocent third persons require.

(b) In addition to the remedies set forth in subsection (a), the commission may, upon a finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage in violation of sections 2, 3, 8, 11 to 14, inclusive, or 23 issue an order (1) requiring the violator to pay the commission on behalf of the county damages in the amount of the economic advantage or \$500, whichever is greater; and (2) requiring the violator to make restitution to an injured third party. If there has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of the written approval of the attorney general and the district attorney, the commission may order payment of additional damages in an amount not exceeding twice the amount of the economic advantage or \$500, and payment of such additional damages shall bar any criminal prosecution for the same violation.

The maximum damages that the commission may order a violator to pay under this section shall be \$25,000. If the commission determines that the damages authorized by this section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

(c) The remedies authorized by this section shall be in addition to any civil penalty imposed by the commission in accordance with clause (3) of subsection (j) of section 4 of chapter 268B.

SECTION 52. Section 17 of said chapter 268A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 16 and 17, inclusive, the words “three thousand dollars or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 53.Section 18 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 22 and 23, inclusive, the words “three thousand dollars or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 54. Section 19 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 7 and 8, inclusive, the words “three thousand dollars or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 55. Section 20 of said chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 and 6, inclusive, the words “three thousand dollars or by imprisonment for not more than two years, or both” and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 56. Said chapter 268A is hereby further amended by striking out section 21 and inserting in place thereof the following section:-

Section 21. (a) In addition to any other remedies provided by law, a finding by the commission pursuant to an adjudicatory proceeding that there has been any violation of sections 2, 3, 8, or 17 to 20, inclusive, which has substantially influenced the action taken by any municipal agency in any particular matter, shall be grounds for avoiding, rescinding, or canceling the action of said municipal agency upon request by said municipal agency on such terms as the interests of the municipality and innocent third persons require.

(b) In addition to the remedies set forth in subsection (a), the commission may, upon a finding pursuant to an adjudicatory proceeding that a person has acted to his economic advantage in violation of sections 2, 3, 8, 17 to 20, inclusive, or 23, may issue an order (1) requiring the violator to pay the commission on behalf of the municipality damages in the amount of the economic advantage or \$500, whichever is greater; and (2) requiring the violator to make restitution to an injured third party. If there has been no final criminal judgment of conviction or acquittal of the same violation, upon receipt of the written approval of the district attorney, the commission may order payment of additional damages in an amount not exceeding twice the amount of the economic advantage or \$500, and payment of such additional damages shall bar any criminal prosecution for the same violation.

The maximum damages that the commission may order a violator to pay under this section shall be \$25,000. If the commission determines that the damages authorized by this section exceed \$25,000, it may bring a civil action against the violator to recover such damages.

(c) The remedies authorized by this section shall be in addition to any civil penalty imposed by the commission in accordance with clause (3) of subsection (j) of section 4 of chapter 268B.

SECTION 57. Section 23 of said chapter 268A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 21, the word “conclusion.” and inserting in place thereof the following words:- conclusion;

(4) present a false or fraudulent claim to his employer for any payment or benefit of substantial value.

SECTION 58. Said section 23 of said chapter 268A of the General Laws, as so appearing, is hereby further amended by striking out subsection (f).

SECTION 59. Said chapter 268A is hereby further amended by inserting at the end thereof the following 4 sections:-

Section 26. Any person who, with fraudulent intent, violates subsection (b)(1), (b)(2) or (c) of section 23, and any person who, with fraudulent intent, causes any other person to violate subsection (b)(1), (2) or (c) of Section 23 shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or by both such fine and imprisonment.

Section 27. The commission shall prepare, and update as necessary, summaries of this chapter for state, county, and municipal employees, respectively, which the commission shall publish on its official website. Every state, county, and municipal employee shall, within 30 days of becoming such an employee, and on an annual basis thereafter, be furnished with a summary of this chapter prepared by the commission and sign a written acknowledgment that he has been provided with such a summary.

Municipal employees shall be furnished with the summary by, and file an acknowledgment with, the city or town clerk. Appointed state and county employees shall be furnished with the summary by, and file an acknowledgment with, the employee's appointing authority or his designee. Elected state and county employees shall be furnished with the summary by, and file an acknowledgment with, the commission. The commission shall establish procedures for implementing this section and ensuring compliance.

Section 28. The state ethics commission shall prepare and update from time to time the following online training programs, which the commission shall publish on its official website:

(1) a program which shall provide a general introduction to the requirements of this chapter. Every state, county, and municipal employee shall, within 30 days after becoming such an employee, and every 2

years thereafter, complete the online training program. Upon completion of the online training program, the Commission shall log and maintain an electronic record of completion for 6 years.

(2) a program which shall provide information on the requirements of this chapter applicable to former state, county, and municipal employees.

The commission shall establish procedures for implementing this section and ensuring compliance.

Section 29. Each municipality , acting through its city council, board of selectmen, or board of aldermen, shall designate a senior level employee of the municipality as its liaison to the state ethics commission.

The municipality shall notify the commission in writing of any change to such designation within 30 days of such change. The commission shall disseminate information to the designated liaisons and conduct educational seminars for designated liaisons on a regular basis on a schedule to be determined by the commission in consultation with the municipalities.

SECTION 60. Section 1 of chapter 268B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after clause (f) the following clause:-

(f 1/2) “executive agent”, a person who for compensation or reward engages in executive lobbying, which includes at least one communication with a government employee. The term “executive agent” shall include a person who, as part of his regular and usual business or professional activities and not simply incidental thereto, engages in executive lobbying, whether or not any compensation in addition to the salary for such activities is received for such services. For the purposes of this definition a person shall be presumed to engage in activity covered by this definition in a manner that is simply incidental to his regular and usual business or professional activities if he: (i) engages in any activity or activities covered by this definition for not more than 10 hours during any reporting period; and (ii) receives less than \$2,500 during any reporting period, for any activity or activities covered by this definition;

SECTION 61. Said section 1 of said chapter 268B of the General Laws, as so appearing, is hereby further amended by striking out clause (k) and inserting in place thereof the following clause:-

(k) “legislative agent”, a person who for compensation or reward engages in legislative lobbying, which includes at least one communication with a government employee. The term “legislative agent” shall include a person who, as part of his regular and usual business or professional activities and not simply incidental thereto, engages in legislative lobbying, whether or not any compensation in addition to the salary for such activities is received for such services. For purposes of this definition a person shall be presumed to engage in activity covered by this definition in a manner that is simply incidental to his regular and usual business or professional activities if he: (i) engages in any activity or activities covered by this definition for not more than 10 hours during any reporting period; and (ii) receives less than \$2,500 during any reporting period, for any activity or activities covered by this definition.

SECTION 62. Section 2 of said chapter 268B of the General Laws, as so appearing, is hereby amended by inserting after the words “attorney general,”, in line 61, the following words:- inspector general, state secretary,

SECTION 63. Section 3 of said chapter 268B of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 through 5, inclusive, the words “; provided, however, that the rules and regulations shall be” and inserting in place thereof the following words:- , including but not

SECTION 64. Subsection (a) of section 4 of said chapter 268B of the General Laws, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following 2 sentences:- All commission proceedings and records relating to a preliminary inquiry or initial staff review to determine whether to initiate an inquiry shall be confidential, except that the commission may provide to: (1) the attorney general, the United States Attorney or a district attorney of competent jurisdiction information which may be used in a criminal proceeding; (2) the inspector general information concerning fraud, waste, or abuse in the expenditure of public funds; (3) the state secretary

information concerning violations of sections 39 to 50, inclusive, of chapter 3; and (4) the director of the office of campaign and political finance information concerning violations of chapter 55. Any information provided by the commission pursuant to this section shall be confidential in accordance with this section, except that such information may be used by the officer or agency to whom it was provided in any investigation or subsequent proceedings.

SECTION 65. Said section 4 of said chapter 268B of the General Laws, as so appearing, is hereby further amended by inserting after the word “and”, in line 18, the following words:- within 10 days of such termination

SECTION 66. Subsection (c) of said section 4 of said chapter 268B of the General Laws, as so appearing, is hereby further amended by inserting at the end thereof the following sentence:-

The commission shall initiate such an adjudicatory hearing within 5 years from the date the commission learns of the alleged violation, but not more than 6 years from the date of the last conduct relating to the alleged violation.

SECTION 67. Subsection (d) of said section 4 of said chapter 268B of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- Such summonses shall have the same force, and be obeyed in the same manner, and under the same penalties in case of default, as if issued by order of a justice of the superior court and may be quashed only upon motion of the summonsed party and by order of a justice of the superior court.

SECTION 68. Said section 4 of said chapter 268B of the General Laws, as so appearing, is hereby further amended by striking out, in lines 73 through 74, inclusive, the words “two thousand dollars for each violation of this chapter or said chapter two hundred and sixty-eight A” and inserting in place thereof the following words:- \$10,000 for each violation of this chapter or chapter 268A, with the exception of a violation of section 2 of chapter 268A, which shall be subject to a civil penalty of not more than \$25,000

SECTION 69. Said section 4 of said chapter 268B of the General Laws, as so appearing, is hereby further amended by inserting after the word “order”, in line 76, the following words:- and any order issued by the commission in accordance with chapter 268A

SECTION 70. Said section 4 of said chapter 268B of the General Laws, as so appearing, is hereby further amended by inserting after the words “pursuant to this chapter”, in line 77, the following words:- or chapter 268A

SECTION 71. Said section 4 of said chapter 268B of the General Laws, as so appearing, is hereby further amended by inserting after subsection (k) the following subsection:-

(l) The superior court shall have concurrent jurisdiction to issue orders under subsection (j) in a civil action brought by the attorney general. In any such action, an advisory opinion of the commission under clause (g) of section 3 shall be binding to the same extent as it is against the commission under that clause.

SECTION 72. Said section 4 said chapter 268B of the General Laws, as so appearing, is hereby further amended by striking out, in line 91, the word “twenty” and inserting in place thereof the following figure:- 30

SECTION 73. Section 5 of said chapter 268B of the General Laws, as so appearing, is hereby amended by inserting after the word “legislative”, in line 68, the following words:- or executive

SECTION 74. Said chapter 268B is hereby further amended by striking out section 6 and inserting in place thereof the following section:-

Section 6. No executive or legislative agent shall knowingly and willfully offer or give to any public official or public employee or a member of such person’s immediate family, and no public official or public employee or member of such person’s immediate family shall knowingly and willfully solicit or accept from any executive or legislative agent, any gift of any kind or nature; provided, however, that

these prohibitions shall not apply to gifts given by an executive or legislative agent to a public official or public employee who is a member of his immediate family or a relative within the third degree of consanguinity or of such agent's spouse or the spouse of any such relative.

SECTION 75. Section 7 of said chapter 268B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 7, the words "files a false" and inserting in place thereof the following words:- willfully files a materially false

SECTION 76. Said section 7 of said chapter 268B of the General Laws, as so appearing, is hereby further amended by striking out, in lines 9 through 10, inclusive, the words "one thousand dollars or by imprisonment in the state prison for not more than three years" and inserting in place thereof the following words:- \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both

SECTION 77. The General Laws are hereby further amended by inserting after chapter 277 the following chapter:-

CHAPTER 277A

Statewide Grand Jury

Section 1. Upon written application of the attorney general to the chief justice of the superior court department, with good cause stated therein, the chief justice may authorize the convening of a statewide grand jury with jurisdiction extending throughout the commonwealth.

Section 2. The chief justice of the superior court department shall, upon granting an application, receive recommendations from the attorney general as to the county in which the statewide grand jury shall sit. Upon receiving the attorney general's recommendations, the chief justice shall choose 1 of those recommended locations as the site where the grand jury shall sit. Once a county has been selected, the chief justice shall direct the regional administrative judge from the county selected to appoint, and reappoint as necessary, a superior court judge to preside over the statewide grand jury.

Section 3. The superior court judge presiding over the grand jury shall consult with the attorney general and district attorney for the relevant district about the nature and scope of the investigation and shall thereafter designate and authorize an existing county grand jury to serve as a statewide grand jury for purposes of the investigation specified in the written application, or, alternatively, convene and preside over a specially empaneled statewide grand jury.

Section 4. A specially empaneled statewide grand jury shall be drawn and selected in the same manner as the county grand jury in the county in which the specially empaneled statewide grand jury sits. A specially empaneled statewide grand jury may, at the discretion of the presiding superior court judge, draw jurors from counties adjoining the one in which the statewide grand jury is to sit.

Section 5. A specially empaneled statewide grand jury convened pursuant to this chapter shall sit for a period not to exceed 18 months. The superior court judge presiding over the grand jury may extend this period if, in accordance with section 1A of chapter 277 and section 41 of chapter 234A, public necessity requires further time by the grand jury to complete an investigation then in progress.

Section 6. The attorney general or an assistant attorney general shall attend each session of a statewide grand jury and may prosecute any indictment returned by it. The attorney general or assistant attorney general shall have the same powers and duties in relation to a statewide grand jury that she has in relation to a county grand jury, except as otherwise provided by law.

Section 7. Indictments shall be returned in the county where the statewide grand jury sits and shall thereafter be transferred to the county specified by the grand jury on the indictment. Venue for purposes of trial of offenses indicted by a statewide grand jury shall be in any county where venue would otherwise be proper.

Section 8. No provision of this chapter shall be construed as limiting the jurisdiction of county grand juries or district attorneys in the commonwealth. Except as otherwise provided by law, an investigation by

a statewide grand jury shall not preempt an investigation by any other grand jury or agency having jurisdiction over the same subject matter.

SECTION 78. Notwithstanding any general or special law to the contrary, every legislative agent or executive agent as defined by section 39 of chapter 3 of the General Laws shall, within 90 days after the effective date of this act, and every year thereafter, complete an in-person or online seminar offered by the state secretary in accordance with section 41 of chapter 3.

SECTION 79. Notwithstanding any general or special law to the contrary, in accordance with section 26 of chapter 268A of the General Laws within 90 days after the effective date of this act every state, county, and municipal employee shall be provided a summary of chapter 268A prepared by the state ethics commission and shall file a written acknowledgment as required by that section.

SECTION 80. Notwithstanding any general or special law to the contrary, within 120 days after the effective date of this act, each municipality shall provide written notification to the state ethics commission of the liaison designated under section 28 of chapter 268A of the General Laws.

SECTION 81. Notwithstanding any general or special law to the contrary, there shall be there shall be a special commission to study the creation of new independent office of public accountability which would function as the single state entity for the administration and enforcement of the provisions of law currently administered and enforced by the state ethics commission, the office of campaign and political finance and the lobbyist division of the office of the secretary of state. Said commission shall consider, without limitation, the cost of establishing such an office and the potential cost savings from efficiencies.

The special commission shall consist of: the secretary of the commonwealth, or his designee; the secretary of the executive of office administration and finance, or his designee; the

director of the office of campaign and political finance, or his designee; the director of the state ethics commission, or his designee, 2 members of the senate to be appointed by the senate president; 2 members of the house to be appointed by the speaker of the house of representatives; 1 member of the senate appointed by the minority leader of the senate; 1 member of the house appointed by the minority leader of the house of representatives; and 3 members to be appointed by the governor. The special commission shall report to the general court the results of its investigation and study, together with recommendations and drafts of legislation necessary to carry out any recommendations, if any, by filing a report with the clerks of the senate and the house of representatives on or before July 31, 2010.

SECTION 82. Sections 14-34 of this act shall take effect on January 1, 2010.

SECTION 83. Section 77 of this act shall expire on December 31, 2012.